

Attorney Docket No.: GTI-1130-CT2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

APR 28 2009

Applicant: Edward Nolan, et al.

Title Electrical Field Therapy with Reduced Histopathological Change in Muscle

Serial No.: 10/756,946

Docket No.: GTI-1130-CT2

Filed: January 13, 2004

Examiner: Sharon E. Kennedy

Group Art Unit: 1615

RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Renewed Petition is submitted in response to the Office's decision dated January 6, 2009, in response to Applicants' petition filed on November 25, 2008. The Office dismissed the November 25, 2008, petition because the statement inadvertently lacked a signature (item 3).

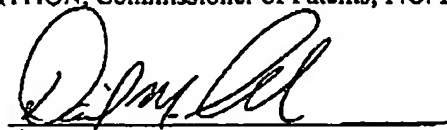
In a recent telephone conversation with Examiner JoAnne Burke, she kindly suggested submitting a newly dated renewed petition substantively the same as the petition filed on November 25, 2008, but including the inadvertently omitted signature.

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8:

The undersigned hereby certifies that this correspondence is being transmitted to facsimile no.: (571) 273-8300 at Mail Stop: PETITION, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Daniel M. Chambers
Name

April 28, 2009
Date


Signature

06/09/2009 CKHLUK 00000007 10756946

01 FC:1252

490.00 0P

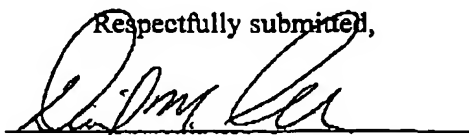
Attorney Docket No.: GTI-1130-CT2

For the record, Applicants note that their November 25, 2008, petition followed the Office's October 20, 2008, decision in response to Applicants' petition filed on February 27, 2008, to revive the application and pay the issue and publication fees, which were due on November 1, 2006. While the issue and publication fees were paid at the applicable "large entity" rate in connection with their February 27, 2008, petition, the revival fee was inadvertently paid at the "small entity" rate, resulting in an underpayment of \$850.00. The payment of the additional \$850.00 was made in connection with Applicants' November 25, 2008, petition, which payment Applicants understand the Office has accepted and applied in full.

Applicants respectfully submit that the entire delay in restoring this case to "allowed" status, from the due date for the reply until the filing of a grantable petition, has been unintentional. Accordingly, pursuant to 37 CFR 1.137(b), and since the required response was submitted previously, the petition and other fees have already been paid, and since no terminal disclaimer is required pursuant to 37 CFR 1.137(d) (as this case is a non-provisional utility application filed after June 8, 1995), Applicants respectfully request that the Office promptly grant this petition and process this case for issuance.

No further documentation is believed to be required. Of course, should any issue or question remain, the Office is invited to call the undersigned attorney for prompt resolution.

Respectfully submitted,



Date: April 28, 2009
BioTechnology Law Group
12707 High Bluff Drive, Ste. 200
San Diego, CA 92130

Daniel M. Chambers
Registration No. 34,561
Telephone: 858.350.9690
Facsimile: 858.350.9691